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FILED

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DEPT. OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-05300 SD
	)	OAH No. 2022070272
CHRISTINA MARGARET CADENA,	)	
	)	<u>STIPULATION AND</u>
Respondent.	)	<u>AGREEMENT</u>
_____	)	

It is hereby stipulated by and between Respondent CHRISTINA MARGARET CADENA, a.k.a. "Christina M. Cadena" ("Respondent"), acting by and through her attorney, Elizabeth M. Brady, Esq. of the Law Office of Elizabeth M. Brady, and the Complainant, acting by and through Kathy Yi, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on May 12, 2022, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department

STIPULATION AND AGREEMENT

1 of Real Estate in this proceeding.

2 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the
3 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
4 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
5 acknowledges that Respondent understands that by withdrawing said Notice of Defense,
6 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner
7 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
8 accordance with the provisions of the APA and that Respondent will waive other rights
9 afforded to Respondent in connection with the hearing such as the right to present evidence in
10 defense of the allegations in the Accusation and the right to cross-examine witnesses.

11 4. This Stipulation is based on the factual allegations contained in the
12 Accusation. Respondent, pursuant to the limitations set forth below, hereby admits that the
13 factual allegations contained in the Accusation filed in this proceeding are true and correct and
14 the Real Estate Commissioner shall not be required to provide further evidence of such
15 allegations.

16 5. This Stipulation and Agreement and Respondent's decision not to
17 contest the Accusation are made for the purpose of reaching an agreed disposition of this
18 proceeding and are expressly limited to this proceeding and any other proceeding or case in
19 which the Department, the state or federal government, an agency of this state, or an agency of
20 another state is involved. Respondent further understands that the sustained violation(s) may
21 be considered in any future administrative or disciplinary matters by the Department.

22 6. It is understood by the parties that the Real Estate Commissioner may
23 adopt the Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions
24 on Respondent's real estate license and license rights as set forth in the below Order. In the
25 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
26 and of no effect, and Respondent shall retain the right to a hearing and proceeding on the
27 Accusation under all the provisions of the APA and shall not be bound by any admission or

1 waiver made herein.

2 7. The Order or any subsequent Order of the Commissioner made pursuant
3 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
4 civil proceedings by the Department with respect to any matters which were not specifically
5 alleged to be causes for the Accusation in this proceeding.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations, admissions, and waivers, and solely for
8 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
9 agreed that the following Determination of Issues shall be made:

10 The conduct, acts, or omissions of Respondent CHRISTINA MARGARET
11 CADENA, as set forth in the Accusation, constitute cause for the suspension or revocation of
12 all real estate licenses and license rights of Respondent under California Business and
13 Professions Code ("Code") sections 490 and 10177(b)(1).

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and licensing rights of Respondent CHRISTINA MARGARET
17 CADENA under the Real Estate Law are revoked; provided, however, a restricted real estate
18 salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Code if
19 Respondent makes application therefor and pays to the Department the appropriate fee for the
20 restricted license within ninety (90) days from the effective date of this Decision. The
21 restricted license issued to Respondent shall be subject to all of the provisions of Section
22 10156.7 of the Code and to the following limitations, conditions, and restrictions imposed
23 under Section 10156.6 of the Code:

24 1. The restricted license issued to Respondent may be suspended prior to
25 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction,
26 plea of guilty, or plea of nolo contendere to a crime which is substantially related to
27 Respondent's fitness or capacity as a real estate licensee.

1 2. The restricted license issued to Respondent may be suspended prior to
2 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
3 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
4 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions
5 attaching to this restricted license.

6 3. Respondent shall not be eligible to apply for the issuance of an
7 unrestricted real estate license nor for the removal of any of the conditions, limitations or
8 restrictions of a restricted license until at least **four (4) years** have elapsed from the effective
9 date of this Decision and Order.

10 4. Respondent shall submit with any application for license under an
11 employing broker, or any application for transfer to a new employing broker, a statement
12 signed by the prospective employing real estate broker, on a form approved by the Department
13 of Real Estate, which shall certify:

14 (a) That the employing broker has read the Decision of the

15 Commissioner which granted the right to a restricted license; and

16 (b) That the employing broker will exercise close supervision over the
17 performance by the restricted licensee relating to activities for which
18 a real estate license is required.

19 5. Respondent shall, within nine (9) months from the effective date of this
20 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
21 since the most recent issuance of an original or renewal real estate license, taken and
22 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
23 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
24 condition, Respondent's real estate license shall automatically be suspended until Respondent
25 presents evidence satisfactory to the Commissioner of having taken and successfully completed
26 the continuing education requirements. Proof of completion of the continuing education
27 courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,

1 Sacramento, CA 95813-7013.

2 6. Respondent shall notify the Commissioner in writing within 72 hours of
3 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
4 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the
5 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
6 address of the arresting law enforcement agency. Respondent's failure to timely file written
7 notice shall constitute an independent violation of the terms of the restricted license and shall
8 be grounds for the suspension or revocation of that license.

9 7. Respondent shall pay the sum of **\$1,286.80** for the Commissioner's
10 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
11 payment shall be in the form of a cashier's check made payable to the Department of Real
12 Estate. **The investigative and enforcement costs must be delivered to the Department of**
13 **Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the**
14 **effective date of this Decision and Order.** **Payment of investigation and enforcement costs**
15 **should not be made until the Stipulation has been approved by the Commissioner.**

16 8. If Respondent fails to satisfy condition 7, above, Respondent's restricted
17 license shall be suspended until Respondent presents evidence of payment. The Commissioner
18 shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure
19 Act to present such evidence that payment was timely made. The suspension shall remain in
20 effect until payment is made in full or until a decision providing otherwise is adopted following
21 a hearing held pursuant to this condition.

22
23 DATED: October 12, 2022



Kathy Yi, Counsel
Department of Real Estate

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EXECUTION OF THE STIPULATION

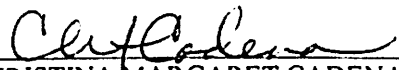
Respondent has read the Stipulation and Agreement and understands that Respondent is waiving rights given to Respondent by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and willingly, intelligently, and voluntarily waives those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

Respondent agrees, acknowledges, and understands that Respondent cannot rescind or amend this Stipulation and Agreement. By signing this Stipulation Respondent understands and agrees that Respondent may not withdraw Respondent's agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to the effective date of the Stipulation and Order.

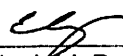
Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands that by electronically sending an electronic copy of Respondent's actual signature, as it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

Alternatively, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, CA 90013.

DATED: 10/11/22


CHRISTINA MARGARET CADENA
Respondent

DATED: Oct. 11, 2022


Elizabeth M. Brady, Esq
Counsel for Respondent
Approved as to Form

STIPULATION AND AGREEMENT

1 The foregoing Stipulation and Agreement is hereby adopted by me as my
2 Decision in this matter as to Respondent CHRISTINA MARGARET CADENA and shall
3 become effective at 12 o'clock noon on DEC 05 2022.

4 IT IS SO ORDERED 10.28.22

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6 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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